

STATE OF NEVADA

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BRENT C. ECKERSLEY, ESQ., Vice-Chairman
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Director

BRUCE K. SNYDER
Commissioner

MARISU ROMUALDEZ ABELLAR
Executive Assistant

DEPARTMENT OF BUSINESS AND INDUSTRY
**LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD**

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October 14, 2015

**MINUTES OF THE MEETING OF THE LOCAL GOVERNMENT
EMPLOYEE-MANAGEMENT RELATIONS BOARD**

A meeting of the Local Government Employee-Management Relations Board, properly noticed and posted pursuant to the Nevada Open Meeting Law, was held on Monday, October 12, 2015, at the hour of 8:30 a.m., and continuing on Tuesday, October 13, 2015, and continuing on Wednesday, October 14, 2015, at the Local Government Employee-Management Relations Board, 2501 E. Sahara Avenue, Room 203, Las Vegas, Nevada 89104.

The following Board members were present:

Philip E. Larson, Chairman
Brent C. Eckersley, Esq., Vice-Chairman
Sandra Masters, Board Member

Also present:

Bruce K. Snyder, Commissioner
Scott Davis, Deputy Attorney General

Members of the Public Present:¹

None

PRELIMINARY MATTERS

1. Call to Order

The Board meeting was called to order by Philip E. Larson, Chairman, on Monday, October 12, 2015, at 8:30 a.m.

2. Public Comment

No public comment was offered.

3. Approval of the Minutes

¹ Not including attorneys of record and witnesses for the hearing (item 4).

The Board approved the minutes as presented for the Board meeting held September 14, 15, and 17, 2015 as well as the special Board meeting held September 16, 2015.

CASES

HEARING CALENDAR

4. **Case A1-046113**
Police Officers Association of the Clark County School District v. Clark County School District
The hearing on the case, which was continued from a prior month, was further held on Monday, October 12, 2015 and Tuesday, October 13, 2015. Upon conclusion of the hearing the Board deliberated on the case, and upon motion, came to a decision; namely (1) that the school district had committed bad faith bargaining over the issue of health insurance related to the collective bargaining agreement for July 2013 to June 2014; (2) that the remedy is to restore the employee organization that which was lost, which was to continue negotiating the issue in the proposed small group and to take that issue to binding arbitration should an agreement not be reached; and (3) that no attorney's fees or reimbursement of costs is warranted.

STIPULATION CALENDAR

5. **Case A1-046128**
City of Las Vegas v. Las Vegas Peace Officers Association
The Board tabled this item as the expected Stipulation to Dismiss had not yet been filed.

MOTION CALENDAR

6. **Case 2015-014**
Detective Russell Backman, Las Vegas Police Protective Association v. LVMPD
Upon motion, the Board granted in part and denied in part Respondent Las Vegas Metropolitan Police Department's Motion for Partial Dismissal. The Board granted the motion with respect to dismissing with prejudice the count related to good faith and fair dealing as the Board has no jurisdiction over contract issues. The Board denied the motion with respect to the unilateral change claim without prejudice. Furthermore, the Board stayed any further action on the Nevada Supreme Court's decision in the Jenkins case.
7. **Case 2015-018**
Joy Jones v. Clark County School District
The Board tabled Clark County School District's Motion to Dismiss or, in the Alternative, Motion for Summary Judgment until its November meeting.

8. Case 2015-017

North Las Vegas Police Supervisors Association v. City of North Las Vegas

Upon motion, the Board granted North Las Vegas Police Supervisors Association's Motion to Amend Complaint, noting that no opposition had been filed against the motion.

CALENDAR FOR MISCELLANEOUS MATTERS RELATED TO CASES

9. Case A1-046119/21

Shannon D'Ambrosio v. Las Vegas Metropolitan Police Department

Upon motion, the Board issued a decision on the hearing previously held in September 2015 as follows: (1) that the Respondent had not violated Complainant's Weingarten rights; (2) that Respondent had not discriminated against the Complainant based upon personal reasons; (3) that Respondent had not made a unilateral change to the collective bargaining agreement; and (4) that Respondent had not discriminated against the Complainant for her having exercised her rights under the Act. The Board further decided that no award of fees and costs was warranted in the case.

10. Cases in the Queue for Future Hearing or Settlement Conference

Upon motion, the Board ordered a mandatory settlement conference for the following case: 2015-022, Teamsters, Local 14 v. City of Mesquite.

The Board also agreed to stay 2015-013, Eric Brown v. Las Vegas Metropolitan Police Department, pending the Nevada Supreme Court's decision in the Jenkins case. Commissioner Snyder noted that this would be the fourth such case stayed pending a decision in Jenkins.

The Board took no further action on any other cases in the queue.

GENERAL AGENCY MATTERS

11. Schedule of Future Board Meetings

The Board reviewed the proposed schedule and made changes to the following for 2015 and 2016:

<u>Dates</u>	<u>Location</u>	<u>Hearings on Cases</u>
November 17, 18, & 19, 2015	Las Vegas	A1-046133
December 8, 9, & 10, 2015	Las Vegas	A1-046120
January 12, 13, & 14, 2016	Las Vegas	2015-003
February 9, 10, & 11, 2016	Las Vegas	2015-001
March 1, 2, & 3, 2016	Las Vegas	Not yet assigned

April 12, 13, & 14, 2016	Undetermined	Not yet assigned
May 10, 11, & 12, 2016	Undetermined	Not yet assigned
June 14, 15, & 16, 2016	Undetermined	Not yet assigned
July 12, 13, & 14, 2016	Undetermined	Not yet assigned
August 16, 17, & 18, 2016	Undetermined	Not yet assigned
September 13, 14, & 15, 2016	Undetermined	Not yet assigned
October 11, 12, & 13, 2016	Undetermined	Not yet assigned
November 8, 9, & 10, 2016	Las Vegas	Not yet assigned
December 13, 14, & 15, 2016	Las Vegas	Not yet assigned

12. Report of the Deputy Attorney General

Deputy Attorney General Davis reported that the District Court had upheld the decision of the EMRB in the Frabbiele case. He also mentioned that three police unions representing employees of the Las Vegas Metropolitan Police Department had filed a federal lawsuit, claiming that SB 241 violates their first amendment freedom of speech rights due to viewpoint discrimination.

13. Reports by the Commissioner

A. Report on Cases Currently Outstanding.

Commissioner Snyder briefly discussed the contents of the log.

B. Report on Possible Methods to Expedite the Hearing of Cases.

Two ideas were presented. The first involves the stacking of cases. This involves the possibility of having a case "waiting in the wings" in case the main case settles. The Board agreed that the local governments, the employee organizations, and the attorneys who represent them would not like this idea as it would raise the cost of representation. The second idea is for the Board to hear cases in groups of two Board members instead of having all three present, thus allowing for an increase of 50% in the number of cases which could be heard. There was consensus that this could be used in certain situations, especially if and when the number of cases in the queue grows.

C. Report on the Handling of Stipulations to Dismiss.

Commissioner Snyder discussed whether the underlying settlement agreement should be attached to the stipulation to dismiss. There was consensus from the Board that this was a good idea but that we should first hear from the user community at the next open forum, which will be held in January.

14. Items for Future Agendas

Two items were proposed to be placed on the agenda for the November Board meeting. The first concerns the holding of pre-hearing conferences after the pre-hearing statements are held but before the Board decides whether to hear a given case. This would be in lieu of the current practice of holding the pre-hearing conferences after the Board decides to hear a given case.

The second item is a proposal to pay Board members for reviewing draft orders and

other documents subsequent to each Board meeting.

CLOSING MATTERS

15. Comments by Board Members

No comments were made by any Board members.

16. Additional Period of Public Comment

No public comment was offered.

Respectfully submitted,



Bruce K. Snyder,
EMRB Commissioner

